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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,029	08/20/2003	Keiji Nakamura	1190-0577P	5336
2292	7590	12/23/2004		EXAMINER
BIRCH STEWART KOLASCH & BIRCH				DINH, JACK
PO BOX 747				
FALLS CHURCH, VA 22040-0747			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/644,029	NAKAMURA ET AL.
	Examiner	Art Unit
	Jack Dinh	2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 November 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 15-19 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 15-19 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 20 August 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>1204</u> . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1104</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input checked="" type="checkbox"/> Other: <u>DETAILED ACTION</u> . |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 19 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding the amendment filed 11/05/04, claim 19, page 4, lines 3-6, the phrase "wherein a position of said supporting member is adjusted relative to the said lens-holder in a direction perpendicular to an optical axis of said objective lens, and the position is subsequently fixed" is not fully disclosed in and supported by the specification. The Examiner inquired about the support of this new subject matter in a telephone interview with Chad Billings on 12/09/04. However, the Applicant was unable to provide any explicit support from the specification.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 19, the phrases “wherein a position of said supporting member is adjusted relative to the said lens-holder in a direction perpendicular to an optical axis of said objective lens, and the position is subsequently fixed” and “drive mechanism controllably drives said lens-holder to move relative to the support member” render the claim indefinite. If the position of the supporting member is already fixed in relative to the lens holder, it is unclear how they can be moved relative to each other then.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seo et al. (US Patent 6,295,255).

Regarding claim 15, Seo et al. (figure 1) is interpreted as disclosing an objective lens driving apparatus comprising an objective lens 19 that focuses light emitted from a light source on an information-recording medium, a lens-holder 23 that holds the objective lens thereon, the lens-holder being movable in such a direction that the objective lens moves in a direction substantially perpendicular to an optical axis of the objective lens (tracking direction), the lens-holder also being movable in a direction of the optical axis of the objective lens (focusing direction), and a drive mechanism having a magnet and a coil, the coil 26 and 27 being fixedly

mounted on the lens holder and the magnet **25** being fixedly mounted on a supporting member **24** that is made of a magnetic material and is mounted on a stationary part **20** of the apparatus, wherein one of the magnet and coil is moveable relative to the other of the magnet and coil so that the drive mechanism controllably drives the lens-holder to move relative to the supporting member. Seo is interpreted as disclosing all the claimed limitations except that the positions of the coil and the magnet are interchanged, wherein the magnet **25** being fixedly mounted on the lens holder and the coil **26** and **27** being fixedly mounted on a supporting member. However, it is within the knowledge of one skilled in the art that the magnet and coil are moved relative to each other. Therefore, placing either the coil or magnet on the stationary supporting member and the other on the movable lens holder would provide equally same effect. In addition, the Applicant has not provided any unexpected results the claimed configuration would have over that of the prior art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to interchange the positions of the coil and magnet, for the purpose of providing an electromagnetic force for driving the lens.

4. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable by Seo et al. (US Patent 6,295,255), as applied in claim 15, in view of Ozawa et al. (US Patent 6,418,094).

Regarding claim 16, Seo et al. is interpreted as disclosing all the claimed limitations, as described above, except for a magnetic path element loosely inserted into a hole on the lens-holder. Within the same field of endeavor, Ozawa et al. (figure 6A) is interpreted as disclosing an objective lens driving apparatus wherein the lens holder **121** includes a hole extending in a

direction parallel to the optical axis of the objective lens **108**, and a magnetic path element **106** loosely inserted into the hole so that the magnet **131** is positioned between the supporting member **104** and the magnetic path element. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide this configuration, as taught by Ozawa et al., for the purpose of creating a magnetic flux circuit.

Regarding claim 17, Seo et al. is interpreted as disclosing all the claimed limitations, as described above, except that the lens-holder includes a yoke made of a magnetic material, wherein the yoke being positioned such that the magnet and coil are between the supporting member and the yoke. Within the same field of endeavor, Ozawa et al. (figure 6A) is interpreted as disclosing that the lens holder includes a yoke **106** made of a magnetic material, wherein the yoke being positioned such that the magnet and coil **140a** are between the supporting member **104** and the yoke. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide this configuration, as taught by Ozawa et al., for the purpose of creating a magnetic flux circuit.

Regarding claim 18, Ozawa (figure 6A) is interpreted as further disclosing that the yoke **106** being integrally attached to the lens-holder **109**, wherein the magnet and lens-holder are attached as described in claim 15.

Response to Arguments

5. Applicant's arguments with respect to claims 15-17 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Other Information/Remarks

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Dinh whose telephone number is 571-272-2327. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2873

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jack Dinh



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